

By:

Darren Crissum

H.B. No. 1376

A BILL TO BE ENTITLED

AN ACT

relating to the name, administration, powers, and duties of the Collingsworth County Underground Water Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 376, Acts of the 69th Legislature, Regular Session, 1985, is amended by amending Sections 1, 3, 4, 5, and 6 and by adding Section 4A to read as follows:

Sec. 1. CREATION OF DISTRICT. Under Article XVI, Section 59, of the Texas Constitution the Collingsworth County Underground Water Conservation District is ~~[created as]~~ a governmental agency and body politic and corporate, authorized to exercise the powers essential to the accomplishment of the purposes of that constitutional provision and to exercise the rights, powers, duties, privileges, and functions provided by this Act and by Chapter 36 ~~[Chapters 51 and 52]~~, Water Code, and by other laws of this state relating to underground water conservation districts.

Sec. 3. BOUNDARY OF DISTRICT. The district includes all of the territory located in Collingsworth County and any territory annexed by the district.

Sec. 4. PURPOSE OF DISTRICT. The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste of the underground water reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapter 36 ~~[Chapters 51~~

1 ~~and 52]~~, Water Code.

2       Sec. 4A. DISTRICT NAME CHANGE. The board by resolution may  
3 change the district's name.

4       Sec. 5. POWERS AND DUTIES OF DISTRICT. The district may  
5 exercise the powers, rights, privileges, and functions permitted by  
6 Chapter 36 [~~Chapters 51 and 52~~], Water Code, and may:

7           (1) make and enforce rules to provide for conserving,  
8 preserving, protecting, recharging, and preventing waste of the  
9 water from the underground water reservoirs;

10          (2) enforce its rules by injunction, mandatory  
11 injunction, or other appropriate remedies in a court of competent  
12 jurisdiction;

13          (3) require permits for the drilling, equipping, and  
14 completion of wells in the underground water reservoirs in the  
15 district and issue permits that include terms and provisions with  
16 reference to the drilling, equipping, and completion of the wells  
17 that are necessary to prevent waste or conserve, preserve, and  
18 protect underground water;

19          (4) provide for the spacing of wells producing from  
20 the underground water reservoirs in the district and regulate the  
21 production from those wells to minimize as far as practicable the  
22 drawdown of the water table or the reduction of the artesian  
23 pressure, provided, the owner of the land, his heirs, assigns, and  
24 lessees are not denied a permit to drill a well on their land and the  
25 right to produce underground water from that well subject to rules  
26 adopted under this Act;

27          (5) require records to be kept and reports to be made

1 of the drilling, equipping, and completion of wells into any  
2 underground water reservoir in the district and the taking and use  
3 of underground water from those reservoirs and require accurate  
4 driller's logs to be kept of those wells and a copy of those logs and  
5 of any electric logs that may be made of the wells to be filed with  
6 the district;

7 (6) acquire land for the erection of dams and for the  
8 purpose of draining lakes, draws, and depressions; construct dams,  
9 drain lakes, depressions, draws, and creeks; and install pumps and  
10 other equipment necessary to recharge any underground water  
11 reservoirs in the district;

12 (7) have made by registered professional engineers  
13 surveys of the underground water of any underground water reservoir  
14 in the district and of the facilities for the development,  
15 production, and use of that underground water and determine the  
16 quantity of the underground water available for production and use  
17 and the improvements, developments, and recharges needed for those  
18 underground water reservoirs;

19 (8) develop comprehensive plans for the most efficient  
20 use of the underground water of any underground water reservoir in  
21 the district and for the control and prevention of waste of that  
22 underground water, with the plans to specify in the amount of detail  
23 that may be practicable the acts, procedure, performance, and  
24 avoidance that are or may be necessary to carry out those plans,  
25 including specifications;

26 (9) carry out research projects, develop information,  
27 and determine limitations, if any, that should be made on the

1 withdrawal of underground water from any underground water  
2 reservoir in the district;

3 (10) collect and preserve information regarding the  
4 use of the underground water and the practicability of recharge of  
5 any underground water reservoir in the district;

6 (11) publish plans and information, bring them to the  
7 notice and attention of the users of the underground water in the  
8 district, and encourage their adoption and execution; and

9 (12) contract for, sell, and distribute water from a  
10 water import authority or other agency.

11 Sec. 6. ADMINISTRATIVE PROCEDURES. Except as provided by  
12 this Act, the administrative and procedural provisions of Chapter  
13 36 [~~Chapters 51 and 52~~], Water Code, apply to the district.

14 SECTION 2. Section 7(a), Chapter 376, Acts of the 69th  
15 Legislature, Regular Session, 1985, is amended to read as follows:

16 (a) In addition to other requirements provided by law, the  
17 district shall file with the county treasurer of each county in  
18 whose jurisdiction the district is located [~~Collingsworth County~~]  
19 copies of all audits, orders of the board of directors, and other  
20 documents relating to district finances. The copies shall be filed  
21 within 60 days after the audits are completed, the orders are  
22 adopted, or the other documents are finalized.

23 SECTION 3. Section 12, Chapter 376, Acts of the 69th  
24 Legislature, Regular Session, 1985, is amended to read as follows:

25 Sec. 12. ANNEXATION; EFFECT ON BOARD OF DIRECTORS. (a)  
26 Additional territory may be added to the district as provided by  
27 Chapter 36 [~~49~~], Water Code. If the district annexes additional

1 territory, the board of directors may add the annexed territory to  
2 one or more existing single-member districts for purposes of  
3 electing directors, may redraw the five single-member districts to  
4 include the annexed territory, or may add additional [~~a sixth~~]  
5 single-member districts [~~district~~] for the election of [~~an~~]  
6 additional directors [~~director~~].

7 (b) The district may not contain more than 11 single-member  
8 districts.

9 SECTION 4. Sections 8, 9, 11, and 14, Chapter 376, Acts of  
10 the 69th Legislature, Regular Session, 1985, are repealed.

11 SECTION 5. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2007.

# BIDDS

## Public Notices

HB 1376

### Notice to Contractors of Proposed Texas Department of Transportation (TxDOT) Contracts

Sealed proposals for contracts listed below will be received by TxDOT until the date (s) shown below, and then publicly read.

#### CONSTRUCTION/ MAINTENANCE/ BUILDING FACILITIES CONTRACT(S)

Dist/ Div: Lubbock

Contract 6157-28-001 for REST AREA TOTAL MAINTENANCE, OPERATION, REPAIR in CROSBY County, etc. will be opened on March 28, 2007 at 1:00 p.m. at the state office for an estimate of \$4,248,000.00.

Plans and specifications are available for inspection, along with bidding proposals, and applications for the TxDOT Prequalified Contractor's list, at the applicable State and/or Dist/ Div Offices listed below. If applicable, bidders must submit prequalification information to TxDOT at least

10 days prior to the bid date to be eligible to bid on a project.

Prequalification materials may be requested from the State Office listed below. Plans for the above contract (s) are available from TxDOT's website at [www.dot.state.tx.us](http://www.dot.state.tx.us) and from reproduction companies at the expense of the contractor.

NPO 22680

State Office: Construction/ Maintenance Division, 200 E. Riverside Drive, Austin, Texas 78704.

District/ Division office: Lubbock District, District Engineer, 135 Slaton, Lubbock, Texas 79408-0771, Phone: (806) 745-4411.

Minimum wage rates are set out in bidding documents and the rates will be part of the contract. TxDOT ensures that bidders will not be discriminated against on the grounds of race, color, sex, or national origin.

32-2tc

### Public Notice

#### Notice of Intent to Introduce

This is to give notice of intent to introduce in the 80th Legislature, Regular Session, a bill to be entitled and Act relating to the name, administration, powers, and duties of the Collingsworth County Underground Water Conservation District.

33-1tc

# Wellington Leader

*For Ninety-Six Years a Builder in Collingsworth County*  
913 West Avenue • Wellington, Collingsworth County, Texas 79095  
(806) 447-2559 or 2550 • Fax (806) 447-2463  
wellingtonleader@valornet.com

## PUBLISHER'S AFFIDAVIT

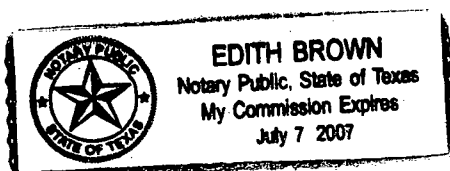
STATE OF TEXAS


COUNTY OF Collingsworth

I solemnly swear that the attached notice was published once in the *Wellington Leader*, a newspaper printed in Collingsworth County, Texas, and of general circulation in said County, as provided for the service of citation or notice by publication, and the date that the issue of said newspaper bore in which said notice was published was Feb. 15, 2007. (A copy of the notices as published, clipped from the newspapers, are attached hereto.)

  
\_\_\_\_\_  
Publisher or Designee

SWORN TO AND SUBSCRIBED BEFORE ME by Jeff Blackmon,  
this 14th day of February, 2007, to certify which witness my hand and seal  
of office.



  
\_\_\_\_\_  
Notary Public, State of Texas

LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

HB 1376


Bill Number

TO: The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

03/05/2007

Date transmitted to  
Governor's Office

  
Chief Clerk  
House of Representatives

TO: Texas Commission on Environmental Quality  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to a conservation and reclamation district and a copy of the notice of intention to introduce the bill.

MAR 07 AM 30

Date transmitted to  
Texas Commission on Environmental Quality

  
Governor

TO: The Honorable Speaker of the House  
The Honorable President of the Senate  
The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

  
Texas Commission on Environmental Quality



Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

The Honorable Tom Craddick  
Texas House of Representatives  
Capitol Station  
PO Box 2910  
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

HB 1376, as Filed by Representative Warren Chisum - Relating to the Name, Administration, Powers, and Duties of the Collingsworth County Underground Water Conservation District

Dear Speaker Craddick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

HB 1376 amends the enabling legislation for the Collingsworth County Underground Water Conservation District (District). The bill makes conforming changes by removing standing references to Water Code, Chapters 50 and 51, and replacing with references to Water Code, Chapter 36, general law for groundwater conservation districts. The bill adds authority for the District's board, by resolution, to change the name of the District. The bill provides that the District may not contain more than 11 single-member districts for board representation and provides clarification for board representation considerations should territory be added to the District. The bill provides that financial information must be filed with the county treasurer of each county included in the District instead of just the Collingsworth County treasurer. The bill repeals sections of the District's enabling act relating to initial directors, confirmation of the District, dissolution of the District, and statutory interpretation

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael D. Cowan".

Michael D. Cowan, Director  
Water Supply Division

cc: The Honorable Robert Puente, Chairman, House Natural Resources Committee  
The Honorable Warren Chisum, Texas House of Representatives

Enclosure

H.B. No.

1376

**A BILL TO BE ENTITLED  
AN ACT**

By \_\_\_\_\_

Waren CP

relating to the name, administration, powers, and duties of the Collingsworth County Underground Water Conservation District.

FEB 13 2007

Filed with the Chief Clerk

FEB 19 2007

Read first time and referred to Committee on Natural Resources

Reported \_\_\_\_favorably (as amended)  
(as substituted)

Sent to Committee on (Calendars)  
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

**OTHER HOUSE ACTION:**

Received from the House

Read and referred to Committee on

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

## Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ years, \_\_\_\_\_ days)

Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays

Read third time, \_\_\_\_\_, and passed by a (viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

## Returned to the House

SECRETARY OF THE SENATE

**OTHER SENATE ACTION:**

\_\_\_\_\_ Returned from the Senate (as substituted)  
(with amendments)

\_\_\_\_\_ House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)